	Case 4:11-cv-05149-YGR	Document 289	Filed 09/03/13	Page 1 of 24			
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10	Attorneys for the Plaintiff, ADT Security Services, Inc.						
11				_			
12 13	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION						
14	1 (021222211 (2 22		- 0-11 (212				
15	ADT SECURITY SERVICES	, INC.,	CIVIL ACTION N	To. C 11-05149-YGR			
16	Plaintiff	,	PLAINTIFF ADT				
17	VS.		PROPOSED VER	RDICT FORM			
18	SECURITY ONE INTERNAT et al.,	TIONAL, INC.,	JURY TRIAL DEN	MANDED			
19							
20	Defenda	nts.					
21							
22							
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VERDICT FORM

ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Security One

(Preponderance of the Evidence)

1.	Did Security One International, Inc. and/or its agents make a false or misleading statements of fact, or false or misleading representations of fact?
	YES: NO:
2.	Did the false or misleading statements or representations likely cause confusion, or cause mistake, or deceive as to the affiliation, connection, or association of Security One International, Inc. with ADT, General Electric, or Honeywell?
3.	Was Plaintiff injured as a result of the false or misleading statements?
	YES: NO:

ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Security One: Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 3 on the form entitled "ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Security One" your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT's claim for violation of the Lanham Act.
- 2. If you answered NO to one or more of Question Nos. 1 through 3 on the form entitled "ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Security One" your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT's claim for violation of the Lanham Act.

Ve, the jury, find (check only one):
in favor of ADT Security Services, Inc. and against Security One international, Inc. with respect to ADT's Claim for violation of the Lanham Act. If you find in avor of ADT, you must answer question 1 on page 5 titled, ADT Claim #1: ADT's Claim for itiolation of the Lanham Act (Damages).
against ADT Security Services, Inc. and in favor of Security One atternational, Inc. with respect to ADT's claim for violation of the Lanham Act.
(Jury Foreperson)

VERDICT FORM

ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Claudio Hand

(Preponderance of the Evidence)

	We,	the	jury,	duly	empaneled	and	sworn	in	this	action,	upon	our	oaths,	find	as	set	forth
below:																	

1.	Did Claudio Hand hire, manage and control Security One's agents?
2.	Did those agents make a false or misleading statements of fact, or false or misleading representations of fact?
	YES: NO:
3.	Did the false or misleading statements or representations likely cause confusion, or cause mistake, or deceive as to the affiliation, connection, or association of defendants with ADT, General Electric, or Honeywell?
4.	Was Plaintiff injured as a result of the false or misleading statements?

YES: _____ **NO**: _____

ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Claudio Hand: Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 4 on the form entitled "ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Claudio Hand" your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT's claim for violation of the Lanham Act.
- 2. If you answered NO to one or more of Question Nos. 1 through 4 on the form entitled "ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Claudio Hand" your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT's claim for violation of the Lanham Act.

We, the jury, find (check only one):				
Hand with respect to ADT's claim for viewou must answer question 1 on page 5 tit Lanham Act (Damages).	olation of	the Lanham	Act. If you find	
Hand with respect to ADT's claim for vio				favor of Claudio
	_			
	_			
			(Jury Forepers	son)

ADT Claim #1: ADT's Claim for Violation of the Lanham Act (Damages)

1.	What is the total amount of ADT Security Service, Inc.'s damages based on Security O							
	and/or Claudio Hand's violation of the Lanham Act.							
	Answer:	\$						

ADT Claim #2: Trade Libel/Trade Disparagement Against Security One (Preponderance of the Evidence)

1.	Did Security ADT's prod	One and/or its agent make a statement that disparaged the quality of ucts or services?
	YES:	NO:
2.	Was the stat	ement couched as fact, not opinion?
	YES :	NO:
3.	Was the star	ement false?
	YES :	NO:
4.	Was the star	ement made with malice?
	YES:	NO:
5.	Did ADT su	ffer special damages are a result of Security One's statement?
	YES:	NO:
		
		(Jury Forenerson)

ADT Claim #2: Trade Libel/Trade Disparagement Against Security One: Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 5 on the form entitled "ADT Claim #2: Trade Libel/Trade Disparagement Against Security One" your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT's claim for trade libel/trade disparagement.
- 2. If you answered NO to one or more of Question Nos. 1 through 5 on the form entitled "ADT Claim #2: Trade Libel/Trade Disparagement Against Security One" your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT's claim for trade libel/trade disparagement.

We, the jury, find (check only one):	
International, Inc. with respect to ADT's	r of ADT Security Services, Inc. and against Security One claim for trade libel/trade disparagement. If you find in 1 on page 10 titled, ADT Claim #2: Trade Libel/Trade
	ADT Security Services, Inc. and in favor of Security One claim for trade libel/trade disparagement.
	(Jury Foreperson)

ADT Claim #2: Trade Libel/Trade Disparagement Against Claudio Hand (Preponderance of the Evidence)

s statement couched as fact, not opinion? S: NO: s statement false? S: NO: s statement made with malice? S: NO: ADT suffer special damages as a result of the statement? S: NO:		NO:	
S: NO: s statement made with malice? S: NO: ADT suffer special damages as a result of the statement? S: NO:	Was staten	nent couched as fact, not opin	ion?
S: NO: s statement made with malice? S: NO: ADT suffer special damages as a result of the statement? S: NO:	YES:	NO:	
S: NO: ADT suffer special damages as a result of the statement? S: NO:	Was staten	ent false?	
S: NO: ADT suffer special damages as a result of the statement? S: NO:	YES:	NO:	<u> </u>
ADT suffer special damages as a result of the statement? S: NO:	Was staten	ent made with malice?	
S: NO:	YES:	NO:	
	Did ADT s	uffer special damages as a re	sult of the statement?
	YES :	NO:	

ADT Claim #2: Trade Libel/Trade Disparagement Against Claudio Hand: Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 5 on the form entitled "ADT Claim #2: Trade Libel/Trade Disparagement Against Claudio Hand" your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT's claim for trade libel/trade disparagement.
- 2. If you answered NO to one or more of Question Nos. 1 through 5 on the form entitled "ADT Claim #2: Trade Libel/Trade Disparagement Against Claudio Hand" your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT's claim for trade libel/trade disparagement.

We, the j	ury, find (check only one):
ADT, yo	in favor of ADT Security Services, Inc. and against Claudic the respect to ADT's claim for trade libel/trade disparagement. If you find in favor of the unust answer question 1 on page 10 titled, ADT Claim #2: Trade Libel/Trade gement (Damages).
Hand res	against ADT Security Services, Inc. and in favor of Claudic pect to ADT's claim for trade libel/trade disparagement.
_	
_	
	(Jury Foreperson)
	(3dfy 10fepersoff)

ADT Claim #2: Trade Libel/Trade Disparagement (Damages)

1.	What is the total amount of ADT Security Service, Inc.'s damages based on Security							
	and/or Claudio Hand's trade libel/trade disparagement.							
	Answer:	\$						

ADT Claim #3: Negligence Against Security One (Preponderance of the Evidence)

1.	Was Securi	y One negligent?	
	YES :	NO:	
2.	Was ADT h	armed?	
	YES :	NO:	
3.	Was Securi	y One's negligence a substantial factor in	causing ADT's harm?
	YES :	NO:	
			
		(Jury Foreperson)	

ADT Claim #3: Negligence Against Security One: Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 3 on the form entitled "ADT Claim #3: Negligence Against Security One" your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT's claim for negligence.
- 2. If you answered NO to one or more of Question Nos. 1 through 3 on the form entitled "ADT Claim #3: Negligence Against Security One" your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT's claim for negligence.

We, the jury, find (check only or	ne):
	_in favor of ADT Security Services, Inc. and against Security One o ADT's claim for negligence. If you find in favor of ADT, you 23 titled, ADT Claim #3: Negligence (Damages).
International, Inc. with respect to	_against ADT Security Services, Inc. and in favor of Security One o ADT's claim for negligence.
	(Jury Forenerson)

ADT Claim #3: Negligence Against Claudio Hand (Preponderance of the Evidence)

1.	Was Claud	o Hand negligent?	
	YES :	NO:	
2.	Was ADT 1	armed?	
	YES :	NO:	
3.	Was Claud	o Hand's negligence a substantial factor in causi	ing ADT's harm?
	YES :	NO:	
			
		(Jury Foreperson)	

ADT Claim #3: Negligence Against Claudio Hand: Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 3 on the form entitled "ADT Claim #3: Negligence Against Claudio Hand" your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT's claim for negligence.
- 2. If you answered NO to one or more of Question Nos. 1 through 3 on the form entitled "ADT Claim #3: Negligence Against Claudio Hand" your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT's claim for negligence.

We, the jury, find (check only one):
in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT's claim for negligence. If you find in favor of ADT, you must answer question 1 on page 23 titled, ADT Claim #3: Negligence (Damages).
against ADT Security Services, Inc. and in favor of Claudio Hand with respect to ADT's claim for negligence.

(Jury Foreperson)

ADT Claim #3: Negligence Per Se Against Security One (Preponderance of the Evidence)

1.	Did Security One International violate the Lanham Act?
	YES: NO:
2.	Was that violation a substantial factor in bringing about harm to ADT?
	YES: NO:
	
	(Jury Forgargon)

ADT Claim #3: Negligence Per Se Against Security One : Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 2 on the form entitled "ADT Claim #3: Negligence Per Se Against Security One" your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT's claim for negligence.
- 2. If you answered NO to one or more of Question Nos. 1 through 2 on the form entitled "ADT Claim #3: Negligence Per Se Against Security One" your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT's claim for negligence.

We, the jury, find (check only one):	
International with respect to ADT's claim	or of ADT Security Services, Inc. and against Security One m for negligence per se. If you find in favor of ADT, you d, ADT Claim #3: Negligence (Damages).
with respect to ADT's claim for negligence	t ADT Security Services, Inc. and in favor of Security One nce.
	(Jury Forenerson)

ADT Claim #3: Negligence Per Se Against Claudio Hand (Preponderance of the Evidence)

1.	Did Claudio Hand violate the Lanham Act?
	YES: NO:
2.	Was that violation a substantial factor in bringing about harm to ADT?
	YES: NO:
	
	(Jury Forenerson)

ADT Claim #3: Negligence Per Se Against Claudio Hand : Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 2 on the form entitled "ADT Claim #3: Negligence Per Se Against Claudio Hand" your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT's claim for negligence.
- 2. If you answered NO to one or more of Question Nos. 1 through 2 on the form entitled "ADT Claim #3: Negligence Per Se Against Claudio Hand" your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT's claim for negligence.

We, the jury, find (check only one):	
in favor of ADT Hand with respect to ADT's claim for negligence panswer question 1 on page 23 titled, ADT Claim #.	
against ADT Sec Hand with respect to ADT's claim for negligence.	curity Services, Inc. and in favor of Claudio
(Jury Foreperson)

ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Security One

(Preponderance of the Evidence)

below:	We, th	ne jury, duly en	npaneled and sv	worn in th	nis action, up	on our oaths	s, find as set	forth
	1.	Was Scellusa hired?	leads unfit or in	ncompete	nt to perforr	n the work fo	or which it v	was
		YES:	NO:					
	2.	Did Security Scellusaleads created a part	One Internation was unfit or in cicular risk for o	nal, Inc. k competer others?	now or shount and that it	ıld it have kr s unfitness o	nown that r incompete	ence
		YES:	NO:					
	3.	Did Scellusal	eads' unfitness	or incom	petence har	m ADT?		
		YES:	NO:					
	4.	Was Security One's negligence in hiring, supervising and/or retaining Scellusaleads a substantial factor in causing ADT's harm?					etaining	
		YES:	NO:					
								

(Jury Foreperson)

ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Security One: Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 5 on the form entitled "ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Security One," your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT's claim for negligence.
- 2. If you answered NO to one or more of Question Nos. 1 through 2 on the form entitled "ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Security One" your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT's claim for negligence.

We, the jury, find (check only one):	
International with respect to ADT's cla	of ADT Security Services, Inc. and against Security One aim for negligent hiring, supervision, or retention of or of ADT, you must answer question 1 on page 23 titled
against Awith respect to ADT's claim for negligence	ADT Security Services, Inc. and in favor of Security Onece.
	(Jury Foreperson)

ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Claudio Hand

(Preponderance of the Evidence)

below:	We, th	ne jury, duly empa	aneled and sworn in this action, upon our oaths, find as set forth
	1.	Was Scellusalea hired?	ds unfit or incompetent to perform the work for which it was
		YES:	NO:
	2.	Did Claudio Har incompetent and others?	nd know or should he have known that Scellusaleads was unfit or I that its unfitness or incompetence created a particular risk for
		YES:	NO:
	3.	Did Scellusalead	ds' unfitness or incompetence harm ADT?
		YES:	NO:
	4.	Was Claudio Ha a substantial fac	and negligent in hiring, supervising and/or retaining Scellusaleads tor in causing ADT's harm?
		YES:	NO:

(Jury Foreperson)

ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Claudio Hand: Jury Verdict

- 1. If you answered YES to Question Nos. 1 through 5 on the form entitled "ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Claudio Hand," your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT's claim for negligence.
- 2. If you answered NO to one or more of Question Nos. 1 through 2 on the form entitled "ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Claudio Hand," your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT's claim for negligence.

We, the jury, find (check only o	ie):	
	_in favor of ADT Security Services, Inc. and against Claudin for negligent hiring, supervision, or retention of independent ADT, you must answer question 1 on page 23 titled, ADT Claudin	den
with respect to ADT's claim for	_against ADT Security Services, Inc. and in favor of Security enegligence.	One
	(Jury Foreperson)	

ADT Claim #3: Negligence (Damages)

1.	What is the total amount of ADT Security Service, Inc.'s damages based on Security One	
	and/or Claudio Hand's negligence?	
	Answer:	\$